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9 UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

10 In Re:

11 Kennewick Public Hospital District,
12
13 Debtor.

Case No. 17-02025-9

ORDER (A) DIRECTING
MEDIATION AND (B)
MODIFYING DISCOVERY
SCHEDULE REGARDING PLAN
CONFIRMATION

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15 Following a telephonic status conference held by the Court on June 11,
16 2018, it is hereby **ORDERED** that:

17 1. Representatives from each of the Debtor, the Official Committee of
18 Unsecured Creditors (the “Committee”), and RCCH HealthCare Partners (“RCCH”
19 and together with the Committee and RCCH, the “Parties”) are authorized and
20 ordered to participate in mediation before the Honorable Judge Steven W. Rhodes
21 (retired) (the “Mediator”). The mediation shall occur on June 14, 2018 at the
22 JAMS office at the 620 8th Ave, New York, New York beginning at 9:00 a.m.
prevailing Eastern Time.

ORDER (A) DIRECTING MEDIATION AND
(B) MODIFYING DISCOVERY SCHEDULE
REGARDING PLAN CONFIRMATION - 1

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1 2. There shall be an absolute mediation privilege, and all
2 communications made by a Party in connection with the mediation, including
3 discussions or communications with or in the presence of the Mediator, shall
4 be confidential, protected from disclosure to other Parties (except as such Party
5 may agree) and to third parties, and shall not constitute a waiver of any existing
6 privileges and immunities, and shall not be used for any purpose other than the
7 mediation. Submissions by each Party (or any third party participant) to the
8 Mediator, including correspondence, offers or counteroffers made in connection
9 with the mediation, shall not be submitted to the other person or entity without the
10 consent of the submitting Party (or any submitting third party participant).
11 Nothing herein shall restrict any party from providing its own mediation
12 submissions to any other party. For the avoidance of doubt, the Parties shall not
13 disclose to any court, including in any pleading or other submission to any court,
14 any such discussion or communication made in connection with the mediation,
15 unless otherwise available to such Party and not subject to a separate
16 confidentiality agreement or protective order which would prevent its disclosure.
17 All settlement proposals, counterproposals, and offers of compromise made
18 during the mediations sessions (collectively, "Settlement Proposals") shall (a)
19 remain confidential unless the Party making such Settlement Proposal agrees to
20 the disclosure of any such Settlement Proposal, (b) be subject to protection under
21 Rule 408 of the Federal Rules of Evidence, and (c) may not be used in any legal
22 proceeding for any purpose.

ORDER (A) DIRECTING MEDIATION AND
(B) MODIFYING DISCOVERY SCHEDULE
REGARDING PLAN CONFIRMATION - 2

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1 3. The District shall be responsible for the costs and expenses of the
2 Mediator and JAMS.

3 4. If upon completion of the mediation, a settlement is reached by the
4 Parties that resolves the Committee's objections [ECF Nos. 881, 923, 924] to
5 confirmation of the Plan, the Confirmation Hearing Date will remain June 20,
6 2018, at 10:00 a.m., as previously ordered by the Court [ECF No. 875]. Otherwise,
7 if upon completion of the mediation the Committee does not agree to withdraw all
8 of its objections to confirmation of the Plan, the Confirmation Hearing Date will be
9 adjourned to June 28, 2018, at 10:00 a.m. and the deadline to file replies, including
10 the Debtor's Confirmation Brief, in support of confirmation will be June 26, 2018.

11 5. The Court's (a) *Order Setting Confirmation Discovery Schedule* [ECF
12 No. 903] and (b) *Supplemental Agreed Order Regarding Confirmation Discovery*
13 *Schedule* [ECF No. 919] are modified to the extent set forth herein.

14 6. All discovery-related related activities by or between the Committee
15 and any other party or third-party in connection with the above-captioned case are
16 stayed through and including June 17, 2018.

17 7. The Debtor shall file with the Court and provide the Committee with
18 the Debtor's witness and exhibit list by no later than June 19, 2018.

19 8. The Committee's depositions of the Debtor previously scheduled to be
20 taken on June 13, 14, or 15, 2018, shall be rescheduled, unless otherwise agreed by
21 both the Debtor and the Committee, to be taken on June 20, 21, or 22.
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1 9. The Committee shall file with the Court and provide the Debtor with
2 the Committee's witness and exhibit list by no later than 12:00 p.m. (prevailing
3 Pacific Time) on June 23, 2018.

4 10. The Debtor and the Committee shall also submit their respective
5 exhibits to be received by the Court no later than June 25, 2018.

6 11. The Committee may file a supplemental exhibit list by no later than
7 June 25, 2018 for documents identified during any depositions held on June 22,
8 2018 or documents produced by the Debtor for the first time on June 22 or
9 thereafter.

10 ///END OF ORDER//

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12 PRESENTED BY:

13 FOSTER PEPPER PLLC

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15 By: /s/ Jack Cullen
16 Jack Cullen, WSBA #7330
17 Andy Morton, WSBA #49467
18 Attorneys for Plaintiff Kennewick Public
19 Hospital District
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